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# HOUSE FILE No. 1045

## *FIRST COMMITTEE ENGROSSMENT*

February 15, 2007

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The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs

March 8, 2007

Committee Recommendation and Adoption of Report:

To Pass as Amended and re-referred to the Committee on Finance

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*Referred by Chair to Environment and Natural Resources Finance Division.*

March 15, 2007

*Returned to the Committee on Finance as Amended.*

1.1 A bill for an act  
1.2 relating to metropolitan parks; authorizing the creation of a nonprofit foundation;  
1.3 authorizing the use of funds to establish the foundation; requiring a report;  
1.4 clarifying the distribution of state lottery gross proceeds in lieu of sales tax for  
1.5 metropolitan parks and open space; modifying the compensation for members  
1.6 of the parks and open space commission; amending Minnesota Statutes 2006,  
1.7 sections 297A.94; 473.303, subdivision 6.

1.8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.9 **ARTICLE 1**  
1.10 **FOUNDATION**

1.11 Section 1. **FINDINGS AND PURPOSE.**

1.12 The availability and adequacy of parks and open spaces are critical to the social,  
1.13 environmental, and economic health and vitality of the state's metropolitan areas. By 2030,  
1.14 the population of the seven-county metropolitan area comprising Anoka, Carver, Dakota,  
1.15 Hennepin, Ramsey, Scott, and Washington counties is expected to increase by nearly one  
1.16 million. This expected growth will significantly affect land uses in the metropolitan area,  
1.17 including the availability of land for recreation and open space purposes. State, regional,  
1.18 and local governments' ability to acquire and preserve property for public recreation and  
1.19 open space purposes is limited but can be enhanced through cooperative public-private  
1.20 initiatives. The legislature therefore finds and declares that it is in the public's interest  
1.21 for the Metropolitan Council to create a private parks foundation to supplement public  
1.22 tax dollars in filling regional park acquisition and preservation needs by improving the  
1.23 region's access to private funding sources and other support for regional recreation and  
1.24 open space purposes.

2.1       Sec. 2. **NONPROFIT FOUNDATION.**

2.2             Subdivision 1. **Nonprofit foundation may be established.** Pursuant to Minnesota  
2.3 Statutes, section 465.717, subdivision 1, the Metropolitan Council established by  
2.4 Minnesota Statutes, section 473.123, may incorporate, create, or otherwise establish  
2.5 a foundation. The purpose of the foundation shall be to help acquire or finance the  
2.6 acquisition of lands and other assets for public recreation and open space within the  
2.7 metropolitan area defined in Minnesota Statutes, section 473.121, subdivision 2, in order  
2.8 to preserve and develop regional parks and related facilities. The foundation shall be a  
2.9 private nonprofit organization and tax exempt under appropriate federal and state laws.  
2.10 The foundation may accept gifts, donations, money, property, and other assets and may  
2.11 transfer, donate, or otherwise provide such gifts, donations, money, property, and other  
2.12 assets consistent with its dedicated purpose.

2.13             Subd. 2. **Formation; board of directors; employees.** The foundation's initial  
2.14 board of directors must include business leaders, representatives of civic and nonprofit  
2.15 organizations, and at least one representative from each of the following: the Metropolitan  
2.16 Council, the Metropolitan Parks and Open Space Commission, the Department of Natural  
2.17 Resources, and conservation and parks and trails advocacy organizations like the Trust  
2.18 for Public Land and the Parks and Trails Council of Minnesota. The members of the  
2.19 initial board must not be compensated by the foundation for their services but may be  
2.20 reimbursed for reasonable expenses incurred in connection with their duties as board  
2.21 members. Persons employed by the foundation are not public employees and must not  
2.22 participate in retirement, deferred compensation, insurance, or other plans that apply  
2.23 to public employees generally.

2.24             Subd. 3. **Advisory committee.** The foundation may appoint an advisory committee  
2.25 to help establish the foundation. The advisory committee should include one or more  
2.26 representatives of the following: the regional park implementing agencies within the  
2.27 metropolitan area, the National Park Service, the United States Fish and Wildlife Service,  
2.28 the Metropolitan Council, the Department of Natural Resources, existing public park  
2.29 organizations, and other organizations as the foundation deems appropriate. Advisory  
2.30 committee members shall not be compensated for their membership on the advisory  
2.31 committee but may be reimbursed for reasonable expenses incurred in connection with  
2.32 their duties as advisory committee members. The advisory committee may be dissolved by  
2.33 the foundation when the foundation determines the advisory committee's work is complete.

2.34       Sec. 3. **METROPOLITAN COUNCIL ASSISTANCE.**



4.1 subdivision 3, paragraph (g), clauses (1) and (4), in the state treasury, and credit them  
4.2 as follows:

4.3 (1) first to the general obligation special tax bond debt service account in each fiscal  
4.4 year the amount required by section 16A.661, subdivision 3, paragraph (b); and

4.5 (2) after the requirements of clause (1) have been met, the balance to the general  
4.6 fund.

4.7 (d) The commissioner shall deposit the revenues, including interest and penalties,  
4.8 collected under section 297A.64, subdivision 5, in the state treasury and credit them to the  
4.9 general fund. By July 15 of each year the commissioner shall transfer to the highway user  
4.10 tax distribution fund an amount equal to the excess fees collected under section 297A.64,  
4.11 subdivision 5, for the previous calendar year.

4.12 (e) For fiscal year 2001, 97 percent; for fiscal years 2002 and 2003, 87 percent; and  
4.13 for fiscal year 2004 and thereafter, 72.43 percent of the revenues, including interest and  
4.14 penalties, transmitted to the commissioner under section 297A.65, must be deposited by  
4.15 the commissioner in the state treasury as follows:

4.16 (1) 50 percent of the receipts must be deposited in the heritage enhancement account  
4.17 in the game and fish fund, and may be spent only on activities that improve, enhance, or  
4.18 protect fish and wildlife resources, including conservation, restoration, and enhancement  
4.19 of land, water, and other natural resources of the state;

4.20 (2) 22.5 percent of the receipts must be deposited in the natural resources fund, and  
4.21 may be spent only for state parks and trails;

4.22 (3) 22.5 percent of the receipts must be deposited in the natural resources fund, and  
4.23 may be spent only on ~~metropolitan~~ park and trail grants for the regional recreation open  
4.24 space system defined by section 473.351, subdivision 1, paragraph (d), and disbursed by  
4.25 the Metropolitan Council under section 473.351;

4.26 (4) three percent of the receipts must be deposited in the natural resources fund, and  
4.27 may be spent only on local trail grants; and

4.28 (5) two percent of the receipts must be deposited in the natural resources fund,  
4.29 and may be spent only for the Minnesota Zoological Garden, the Como Park Zoo and  
4.30 Conservatory, and the Duluth Zoo.

4.31 (f) The revenue dedicated under paragraph (e) may not be used as a substitute  
4.32 for traditional sources of funding for the purposes specified, but the dedicated revenue  
4.33 shall supplement traditional sources of funding for those purposes. Land acquired with  
4.34 money deposited in the game and fish fund under paragraph (e) must be open to public  
4.35 hunting and fishing during the open season, except that in aquatic management areas or  
4.36 on lands where angling easements have been acquired, fishing may be prohibited during

5.1 certain times of the year and hunting may be prohibited. At least 87 percent of the money  
5.2 deposited in the game and fish fund for improvement, enhancement, or protection of fish  
5.3 and wildlife resources under paragraph (e) must be allocated for field operations.

5.4 Sec. 2. Minnesota Statutes 2006, section 473.303, subdivision 6, is amended to read:

5.5 Subd. 6. **Compensation.** Members and the chair shall ~~serve without compensation~~  
5.6 ~~but~~ be paid \$50 for each day that the member or chair attends a regular or special meeting  
5.7 of the commission, and shall be reimbursed for all actual and necessary expenses incurred  
5.8 in the performance of duties as determined by the Metropolitan Council.

5.9 Sec. 3. **APPLICATION.**

5.10 This act applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey,  
5.11 Scott, and Washington.

5.12 Sec. 4. **EFFECTIVE DATE.**

5.13 This act is effective the day following final enactment.